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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/317,156	05/24/1999	CHING YU	50100-802	8724
20277	7590	07/11/2005	EXAMINER	
MCDERMOTT WILL & EMERY LLP 600 13TH STREET, N.W. WASHINGTON, DC 20005-3096			HOM, SHICK C	
			ART UNIT	PAPER NUMBER
			2666	

DATE MAILED: 07/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/317,156

Applicant(s)

YU ET AL.

Examiner

Shick C. Hom

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-11, 14, 15 and 18-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11 is/are allowed.
- 6) ☒ Claim(s) 4, 6-10, 14, 15, 18, 19 and 21-25 is/are rejected.
- 7) ☒ Claim(s) 5 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 4-11, 14-15, 18-25 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 4-10, 14-15, 18-19, 21-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Lincoln (5,889,779).

Regarding claims 4, 6, 7, 14, 15, 18, 19, 21, 22:

Lincoln discloses a network switch comprising: a plurality of ports configured for transferring data packets; an external memory interface configured for transferring the data packets

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between the network switch and an external memory, the external memory interface including a scheduler for selectively assigning memory access slots to ports for access to the external memory, wherein selectively assigning memory access slots by the scheduler is based on respective programmable information entries (see abstract which recite the ATM scheduler using a dynamic schedule table for scheduling traffic onto the time slots for transmission on the network whereby the table includes programmable number of slots), the external memory interface includes an assignment table memory for storing the respective programmable information entries, and the programmable information entries are stored in the assignment table memory by an external controller, wherein each programmable information entry includes a port operation code, and the scheduler sets the operation of each of the ports based on the port operation code (see col. 9 lines 46-57 which recite the dynamic schedule table being located in memory comprising a number of slots which is user programmable and the entries being associated with a particular priority level clearly reads on the port operation code whereby the operation of each of the ports is based on the port operation code, i.e. the particular priority level); and the scheduler assigning the memory access slots as a continuously repeating sequence based on the sequence of memory

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access slot assignments, and one of the programmable information entries includes a wrap-around bit at an end of the sequence of memory access slot assignments, the scheduler returning to a first memory access slot of the sequence of memory access slot assignments upon detecting the wrap-around bit (see Fig. 3 which shows the tail pointer is used to wrap-around back to connection state 12 once connection state 9 is reached and col. 9 line 64 to col. 10 line 5 which recite the transmission mode whereby a circular linked list is used clearly reads on a continuously repeating sequence and the use of a wrap-around bit at the end of the sequence).

Regarding claims 8-10 and 23-25:

Lincoln disclose wherein the assignment table memory is a RAM; wherein the assignment table memory is a group of registers; wherein each programmable information entry includes a plurality of memory access slot assignments, the scheduler selecting one of the plurality of memory access slot assignments based on one or more detected conditions; and wherein the first memory is an EEPROM (see col. 7 line 64 to col. 8 line 18 which recite the scheduler checking the register queue for the priority level and determine if a head pointer is present for moving out traffic clearly reads on the registers and selecting slot assignments based on detected conditions, although the

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assignment table memory being a RAM and the first memory being an EEPROM are not recited, the examiner takes official notice that memories being RAM and EEPROM are well known in the art).

Allowable Subject Matter

4. Claim 11 is allowed.

5. Claims 5 and 20 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Muller et al. disclose a highly integrated multi-layer switch element architecture.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick C. Hom whose telephone number is 571-272-3173. The examiner can normally be reached on Monday to Friday with alternate Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SH


D. KINGSTON
PRIMARY EXAMINER